

REMARKS

The Examiner has made a restriction requirement to either the claims of Group I, i.e., claims 1, 53 – 58, and 65, which are drawn to compositions comprising 6 various agents, classified in class 514; the claims of Group II, i.e., claims 24, 59 – 64, and 67, which are drawn to methods of treating neurological disorders using a composition which comprises 6 various agents, classified in class 514; the claim of Group III, i.e., claim 66, which is drawn to a composition comprising 13 various agents, classified in class 514; or the claim of Group IV, i.e., claim 68, drawn to methods of treating neurological disorders using a composition comprising 13 various agents, classified in class 514.

The reasons, beginning with the last paragraph on page 2 of the office action and continuing on pages 2 and 3, for the inventions of Groups I and II being distinct does not make sense, since the reason for the distinctiveness of Groups I and II refers to different ingredients, but Group I and Group II refer to the same ingredients, but one is a composition and one is a method. The applicant at first thought that the Examiner meant that the distinction at the top of page 3 of the office action was meant to be the reason for the restriction of the Groups I and II, but this does not make sense either, because it says the process as claimed can be practiced with the composition of Group I or Group II, which the applicant thinks was meant to be Group I and Group III, but this does not make sense because the method of Group II does not appear to be able to be practiced with the composition of Group III because the ingredients in Group II and Group III are not the same. This same confusion seems to be reflected in the reasons for the distinctiveness of Groups II and III and the other groups.

Further, it appears that the Examiner did not mean to argue that Groups I and II are distinct, because in several previous restriction requirements, he did not make this requirement. Thus, the applicant has kept both Groups I and II in the application and has cancelled the claims of Groups II and IV.

It may be that the addition of claims 66 through 68 may have contributed to the above confusion. However, the Examiner has indicated that he believes claim 65 was the same as claim 1, and that claim 67 was the same as claim 24. Therefore, claim 65 has

Serial No. 09/837,562
Amendment And Remarks Responsive To
Office Action Mailed 07/27/2004

Page 12
201518v1

been combined with claim 1 by amendment, and claim 67 has been combined with claim 24.

With the above amendment and considering the confusion mentioned above, It is believed the Examiner will no longer require the restriction of Groups I and II. If this is not so, then it is requested that the Examiner call the undersigned regarding a further telephone restriction, and applicant will respond promptly.

In view of the foregoing amendments and comments, it is believed that the application, including claims 1, 24, and 53 - 64, is in condition for allowance, and favorable action is respectfully requested. The Examiner is invited to contact the undersigned by collect telephone call to advance the prosecution in any respect.

It is believed no fees are due. If any fee is seen to be required, please charge Deposit Account No. 50-1848.

Respectfully submitted,
PATTON BOGGS LLP

By: 

Carl Forest, Reg. No. 28,494
Telephone: (303) 894-6114
Facsimile: (303) 894-9239
email: cforest@pattonboggs.com
Customer No.: 24283

Serial No. 09/837,562
Amendment And Remarks Responsive To
Office Action Mailed 07/27/2004

Page 13
201518v1